

**IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

IN THE MATTER OF

PAUL N. RUIZ
SHARON RUIZ,

DEBTORS

IN PROCEEDINGS
UNDER CHAPTER 7

NO. 09-23613
JUDGE: Schmetterer,

NOTICE OF MOTION

Notified via Electronic Filing

U.S. Trustee, 219 S Dearborn St, Room 873, Chicago, IL 60604
Allan J. DeMars, 100 W. Monroe St., Ste 910, Chicago, IL 60603
Bernard W. Moltz, 77 W. Washington St., Suite 2110, Chicago, IL 60602

Notified via US Postal Service

Paul N. Ruiz, 2847 W. Warren Boulevard, Chicago, IL 60612
Sharon Ruiz, 2847 W. Warren Boulevard, Chicago, IL 60612

Please take notice that on the 20th day of August, 2009 at the hour of 10:00 a.m. or as soon thereafter as I may be heard, I shall appear before the Honorable Judge Jack Schmetterer, Courtroom 682 at the United States Bankruptcy Court, 219 S Dearborn, Chicago, IL 60604 or before any other Bankruptcy Judge who may be presiding in his/her place and stead and shall then and there present the accompanying motion. At that time and place you may attend if you so choose.

AFFIDAVIT OF SERVICE

The undersigned, an attorney, hereby certifies that I have served a copy of this Notice along with the attached motion upon the parties listed above, by causing same to be mailed in a properly addressed envelope, postage prepaid, from 4201 Lake Cook Rd, Northbrook, IL 60062-1060, before the hour of 5:00 PM on August 12, 2009, unless a copy was provided electronically by the Clerk of the Court.

Respectfully Submitted,

/s/ Michael J. Kalkowski

Michael J. Kalkowski

Michael J. Kalkowski ARDC# 06185654
Josephine J. Miceli ARDC# 06243494
Todd J. Ruchman ARDC# 06271827
Fisher and Shapiro, LLC
4201 Lake Cook Rd
Northbrook, IL 60062-1060
(847)291-1717
Attorneys for Movant
08-012329

**THIS IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED
WILL BE USED FOR THAT PURPOSE**

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MOTION FOR RELIEF FROM THE AUTOMATIC STAY

NOW COMES the Movant, U.S. BANK, NATIONAL ASSOCIATION, AS TRUSTEE FOR THE CERTIFICATEHOLDERS CSMCMORTGAGE-BACKED PASS-THROUGH CERTIFICATES, SERIES 2007-5, by and through its attorneys, Fisher and Shapiro, LLC, and moves this Court for the entry of an order modifying the automatic stay, pursuant to 11 USC § 362(d) and in support thereof states as follows:

1. That the Debtors filed a Petition for relief under Chapter 7 of the U.S. Bankruptcy Code on June 29, 2009.
2. That the Movant is a Creditor of the Debtors, pursuant to a note secured by a mortgage on the real property commonly known as: 115 South Francisco Avenue, Chicago, IL 60612.
3. That the Debtors are in default under the terms of said note and mortgage for failure to make the installment payment due June 1, 2008 through December 1, 2008 in the amount of \$3,123.04, January 1, 2009 through August 1, 2009 in the amount of \$3,021.90, and each month thereafter. That default does not include attorneys' fees, costs of collection and other advances and it does not constitute reinstatement.
4. That the indebtedness due Movant as of July 30, 2009, is in excess of \$407,000.00. Said indebtedness is currently due Movant after applying all offsets and credits due Debtors.

5. That the Debtors' schedules suggest that the fair market value of said property is approximately \$354,000.00.
6. That the Movant adopts the facts set forth in the Statement of Default as additional allegations in support of this motion.
7. That the Movant lacks adequate protection in that there is little or no equity in the premises and that the Debtors are not making payments to the Movant as provided by the mortgage and note.
8. That the subject property is not necessary for an effective reorganization and the Movant is entitled to relief pursuant to 11 USC § 362(d).
9. That the Movant wishes to be reimbursed for the costs and attorneys' fees of filing this motion.
10. That, for the reasons set forth above, it would be inequitable to delay the enforcement of any order modifying the automatic stay with respect to the Movant.

WHEREFORE, U.S. BANK, NATIONAL ASSOCIATION, AS TRUSTEE FOR THE CERTIFICATEHOLDERS CSMCMORTGAGE-BACKED PASS-THROUGH CERTIFICATES, SERIES 2007-5 prays that this Court enter an order modifying the automatic stay to allow said creditor to foreclose the mortgage on the property known as:115 South Francisco Avenue, Chicago, IL 60612; and that Federal Bankruptcy Rule 4001(a)(3) be waived.

IN ADDITION, Movant further seeks relief in order to, at its option, offer, provide and enter into any potential forbearance agreement, loan modification, refinance agreement or other loan workout/loss mitigation agreement. The Movant may contact

the Debtor via telephone or written correspondence to offer such an agreement. Any such agreement shall be non-recourse unless included in a reaffirmation agreement.

Respectfully submitted,

/s/ Michael J. Kalkowski
Attorney for U.S. BANK, NATIONAL ASSOCIATION,
AS TRUSTEE FOR THE CERTIFICATEHOLDERS
CSMCMORTGAGE-BACKED PASS-THROUGH
CERTIFICATES, SERIES 2007-5

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